

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MIKE GROENE, individually and as Chair of)
the Stop Overspending Nebraska Ballot)
Committee; ROBERT COLE ROGERS, and)
AMIE SPRADLEY,)

Case No.: 4:06cv3153

Plaintiffs,)

v.)

COLEEN SENG, in her official capacity as)
Mayor of the City of Lincoln, Nebraska;)
THOMAS K. CASADY, in his official capacity)
as Chief of Police for the City of Lincoln,)
Nebraska; MIKE FAHEY, in his official)
capacity as Mayor of the City of Omaha,)
Nebraska; THOMAS H. WARREN, in his)
official capacity as Chief of Police for the City)
of Omaha, Nebraska; JULIE M. HANEY, in)
her official capacity as Treasurer, Douglas)
County, Nebraska; RIVKAH SASS, in her)
official capacity as Library Director for the City)
of Omaha, Nebraska; STACEY ALDRICH, in)
her official capacity as Assistant Library)
Director for the City of Omaha, Nebraska; JAY)
VAVRICEK, in his official capacity as Mayor)
of the City of Grand Island, Nebraska; STEVE)
LAMKEN, in his official capacity as Chief of)
Police for the City of Grand Island, Nebraska;)
and STEVE FOSSELMAN, as Library Director)
for the City of Grand Island, Nebraska,)

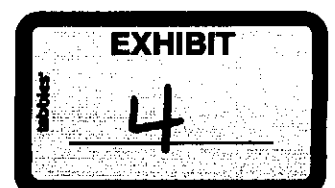
AFFIDAVIT OF
LESLIE B. GRAVES

Defendants.)

State of Nebraska)
) s.s.
County of Douglas)

Leslie B. Graves, having first been duly sworn on her oath, hereby states as follows:

1. I am over the age of 18 and I have personal knowledge regarding the facts contained in



this affidavit.

2. I am the President of Renewal Voter Outreach (“RVO”), a petition drive management company.
3. RVO offers services to political groups that are seeking to place legislative initiatives on election ballots.
4. I was engaged by the Stop Overspending Nebraska Ballot Committee to organize and manage the petition drive which seeks to place a constitutional amendment on the Nebraska November 2006 ballot.
5. In my work for the Stop Overspending Nebraska Ballot Committee, I hired several independent contractors as petition circulators, including Mark Pickens, Andrew Jacobs, Robert Atteberry, Amie Spradley, and Robert Cole Rogers.
6. The constitutional amendment would establish a limit on the growth of state spending which may only be exceeded with voter approval (the “SOS Initiative”).
7. The petition drive in favor of the SOS Initiative began on May 9, 2006. The last date on which signatures may be collected for the SOS Initiative is July 7, 2006.
8. I have been in Nebraska full time since May 7, 2006 in order to manage the SOS Initiative.
9. As part of the management of the SOS Initiative, I closely monitor issues relating to petition circulators’ access to various fora throughout the state for the purposes of gathering signatures in support of the SOS Initiative.
10. On or about Friday, May 19, I was informed that a large group of petition circulators were prevented from circulating petitions in favor of the SOS Initiative around Burke Stadium in Omaha, Nebraska during the Nebraska State High School Track and Field Meet.

11. On or around May 25, 2006, as a result of the Burke Stadium incident, the City of Omaha instituted a policy of “open access” during which petition circulators were permitted unfettered access to areas around public and private buildings for the purposes of gathering signatures in support of the SOS Initiative.
12. The “open access” policy was in place until approximately June 6, 2006 when the City of Omaha instituted the policies contained in a news release. The news release is attached hereto as Exhibit A.
13. During the “open access” period from approximately May 25, 2006 through June 6, 2006, petition circulators gained approximately 67 signatures per petitioner.
14. For the period from approximately June 7, 2006 through June 15, 2006, when the City of Omaha instituted its current policy, petition circulators gained approximately 58 signatures per petitioner, a sharp decline.
15. Based on my experience, it is very unusual for the number of signatures per petitioner to decline as the petition drive progresses. Normally, signatures per petitioner increase as the end of the petition drive nears.
16. In addition, one group of eight petitioners gained 2,647 signatures during the approximately week-long “open access” period.
17. During the week after the City of Omaha instituted its current policy on June 6, 2006, the same group of eight petitioners gained 1,401 signatures.
18. As a result of the City of Omaha’s policies and practices, the City of Lincoln’s policies and practices, and the City of Grand Island’s policies and practices regarding access to public areas for petition circulators gathering signatures in support of the SOS Initiative, I have been forced to increase the number of petition circulators in order to obtain the

required number of signatures by the July 7, 2006 so that the SOS Initiative will be placed on the November 2006 ballot.

19. In addition, and also as a result of the City of Omaha's policies and practices, the City of Lincoln's policies and practices, and the City of Grand Island's policies and practices regarding access to public areas for petition circulators gathering signatures in support of the SOS Initiative, I have been forced to increase the amount of money paid to petition circulators from \$2.50 per signature to \$3.00 per signature.
20. I am concerned that the City of Omaha's policies and practices, the City of Lincoln's policies and practices, and the City of Grand Island's policies and practices regarding access to public areas for petition circulators will force further increases in the amount of money paid to petition circulators.
21. The City of Omaha's policies and practices, the City of Lincoln's policies and practices, and the City of Grand Island's policies and practices regarding access to public areas for petition circulators have also significantly increased the costs of the SOS Initiative petition drive in that I have been forced to recruit and train numerous additional petition circulators.
22. Petition circulators have also experienced extreme fatigue and distress as a result of the access problems and numerous threats of arrest.

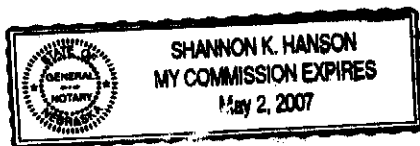
FURTHER AFFIANT SAYETH NOT.

6-24-06

Date

Leslie B. Graves
Leslie B. Graves

Subscribed to and sworn before me this 24th day of June, 2006.



Shannon K. Hanson
Notary Public

ORIGINAL**FILE 7.14**

Mike Fahey
Mayor

OMAHA POLICE DEPARTMENT
"To Serve and Protect"

NEWS RELEASE

Thomas H. Warren
Chief of Police

FOR IMMEDIATE RELEASE, June 6, 2006
FAX TO ALL MEDIA: ATTENTION NEWS DIRECTORS

FROM: Sergeant Teresa Negron
Public Information Office
505 South 15th Street
Omaha, NE 68102-2769
(402) 444-5867 FAX 444-4225
tnegron@ci.omaha.ne.us

Request to Leave at
Private Shopping Areas

The Omaha Police Department would like to provide some direction regarding petitioners that are attempting to obtain signatures at private shopping areas.

A petitioner should get permission from the business prior to attempting to obtain signatures. If the petitioner does not receive permission from the business management and the management requests that the petitioner leave, they should obey the request to leave.

In the event that the Omaha Police Department is called to intervene, the responding officer will determine if the petitioner is on private property. If it is deemed that the petitioner is on private property the business management, in the presence of the officer, will ask the petitioner to leave the premises. If the petitioner refuses the request to leave they can be arrested for Trespassing or any other appropriate charge.

Officers from the Omaha Police Department will follow the same process when the petitioner is on publicly-owned property that has a restricted use and is not an open public forum such as outside the City of Omaha libraries or business offices.

Prepared by: Sergeant Teresa Negron

Date/Time 06 June 2006 4:57 PM

Approved By: _____

Date/Time _____

TOTAL NUMBER OF PAGES _____

PLEASE CALL IF ANY ARE MISSING

EXHIBIT**A**